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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/084,948  | 03/01/2002  | Charles B. Dougherty | BS01-396            | 8286             |
| 38516   | 7590        | 03/23/2005           | EXAMINER            |                  |
| SCOTT P. ZIMMERMAN, PLLC<br>PO BOX 3822<br>CARY, NC 27519 |             |                      | KENDALL, CHUCK O    |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2192                |                  |

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/084,948             | DOUGHERTY ET AL.    |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Chuck Kendall          | 2122                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 March 2002.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

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## **DETAILED ACTION**

1. This action is in response to the application filed 03/01/02.
2. Claims 1 – 5 have been examined and are pending.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 4 & 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cox et al. USPN 6,510,466 B1 in view of Chase, Jr et al. USPN 4,951,192.

Regarding claim 1, Cox discloses a development and deployment tracking tool for managing a plurality of software releases, said development and deployment tracking tool comprising (3:47 – 50):

a first list comprising the plurality of software releases, wherein for each software release, the first list includes a release identification and a source type (4:35 – 39, see plurality of application programs);

a third list comprising a plurality of application operating environments, wherein for each application operating environment (19:57 – 65, see check to insure required environment and different types of hardware and operating systems);

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the third list includes an environment type (19:57 – 65, see check to insure required environment);

a fourth list comprising a plurality of nodes, wherein for each node, the fourth list includes an environment selected from the third list (18:15 – 21, see hardware client device associated designation also see profile management list);

a fifth list comprising a plurality of users, wherein for each user, the fifth list includes a predetermined role, wherein the predetermined role defines the user's access rights to the development and deployment tracking tool (9:1 – 5, shows authorizing groups of users to access application);

a user interface for receiving a build request from a user, said build request including a release name, a component name, and a target environment, wherein the release name is selected from the first list, the component name is selected from the second list, and the target environment is selected from the third list (4:35 – 40, see desktop interface). Cox does not explicitly disclose a second list comprising a software components, wherein for each component, the second list includes a build script and a script type or verifying that the user's role allows the request, and executing the build script associated with the component, and updating status. However, Chase in a similar configuration and analogous art discloses that a script is formed for each component that needs to be built and that it "aids in the building of the component and provides directions for placing translation/compiler results in the derived object pool". Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Cox and Chase because, including build scripts for each component enables the system to be built more efficiently.

Regarding claim 4, the development and deployment tool of claim 1, wherein the role is selected from a group comprising a developer, a configuration manager and a quality assurance tester (Cox, 19: 50 – 65, see configuration manager, for quality assurance tester, see "before distribution program").

Regarding claim 5, the development and deployment tool of claim 1, further comprising a user interface for receiving a test approval result (Cox, 19:50 – 60, see

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checking and determining using before distribution program, for example see checking to “insure that sufficient is available to accept distribution of file packet”).

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cox et al. USPN 6,510,466 B1 in view of Chase, Jr et al. USPN 4,951,192 as applied in claim 1 and further in view of Tripp et al. USPN 6,516,337 B1.

Regarding claim 2, Cox and Chase discloses all the claimed limitations as applied in claim 1 above. The combination of Cox and Chase doesn't expressly disclose wherein when the build request is complete, sending an email message to a user. However, Tripp in an analogous art discloses sending an email regards to update status (Col. 15, table 2, lines 14 and 15 of table). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Cox and Chase with Tripp because, communicating status of update or verification of update status through email notification would eliminate reloading of already loaded programs.

### ***Allowable Subject Matter***

6. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art does not teach in a single reference or render obvious in combination with another reference, the following:

“...wherein the environment type is selected from a group comprising a common development environment, a pre-production environment, a production environment, a sandbox environment, a system test environment, and an undetermined environment type..”.

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Correspondence Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Kendall whose telephone number is 571-2723698. The examiner can normally be reached on 10:00 am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on 571-2723695. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CK



TUAN DAM  
SUPERVISORY PATENT EXAMINER